

REMARKS

Claims 1-12, 24, 26-33, 44, 46-53, 64, 66, 68-70 and 72-80 are pending. The Office Action dated March 3, 2008 in this Application has been carefully considered. Claims 1, 24, 44, 64, 66, 68, 69, 70, 80 have been amended in this Response to more particularly claim the invention. Also, Claims 1, 6, 7, 9, 10, 11, 24, 29, 33, 44, 49, 64, 66, 68, 69, 70, 72, 78, and 80 are amended to clarify the antecedent basis for claim elements and to make clarifications to the subject matter. Applicant thanks the Examiner for the courtesy of an interview conducted on May 15, 2008. During that interview, no agreement was reached as to the allowance of these claims. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Claims 70, 72, 73, and 75 – 80 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Carley (U.S. 7,008,812). Rejected independent Claim 70 has been amended to more particularly claim at least one of the distinguishing features of the claimed invention, namely “forming the shape and size of the aperture, such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture during an application of the protective material to the housing.” (Emphasis Added) Support for this amendment can be found among other places on page 8, lines 14 – 24 and page 9, lines 10 -16 of the Application.

The cited reference Carley does not teach, disclose or suggest forming the shape and size of the apertures such that protective material cannot pass through the aperture during application of the protective material to the housing. Specifically, Carley teaches using a dry plasma etchant to remove sacrificial layers to solve the problem of damage caused by wet etchants. See Carley, Col. 5, lines 3 – 10. Carley, however, does not teach that apertures are formed in size and shape such that a protective material cannot pass through the apertures during application of the protective material to the housing.

In view of the foregoing, it is apparent that the cited reference does not teach the unique combination now recited in amended Claim 70. Applicant therefore submits that amended Claim 70 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 70 under 35 U.S.C. § 102(e) be withdrawn and that Claim 70 be allowed.

Claims 72, 73, and 75 – 79 depend from and further limit Claim 70. Hence, for at least the aforementioned reasons that Claim 70 should be deemed to be in condition for allowance, Claims 72, 73, and 75 – 79 should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 72, 73, and 75 – 79 also be withdrawn.

Claims 1, 2-5, 8-12, 24-28, 31-33, 44-48, 51-53, 64, 66, 68 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carley in combination with Marrs (U.S. 5,485,037) and Plummer (U.S. 4,480,975). In light of the amendments submitted herewith, Applicant respectfully submits that the rejections have been overcome. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 1 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, “creating one or more apertures in the housing of structural material to expose at least a portion of the adjacent sacrificial material, the one or more apertures having a size and shape such that a removing material is able to pass through at least one of the apertures but a protective material cannot pass through the apertures during an application of the protective material to the housing” (Emphasis added.) Support for this amendment can be found among other places on page 8, lines 14 – 24 and page 9, lines 10 -16 of the Application.

However, Carley, Marrs and Plumber do not suggest, teach, or disclose creating one or more apertures having a size and shape such that a removing material is able to pass through at least one of the apertures but a protective material cannot pass through the apertures during an application of the protective material to the housing. Specifically, Carley teaches using a dry plasma etchant to remove sacrificial layers to solve the problem of damage caused by wet etchants. See Carley, Col. 5, lines 3 – 10. Carley does not teach that apertures are created in size and shape such that a protective material cannot pass through the apertures during application of the protective material to the housing. Neither Marrs nor Plumber were relied upon for teaching this limitation.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 1. Applicant therefore submits that amended Claim 1 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 1 under 35 U.S.C. § 103(a) be withdrawn and that Claim 1 be allowed.

Claims 2-5, and 8-12 depend from and further limit Claim 1. Hence, for at least the aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claims 2-5, and 8-12 should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claim 2-5 and 8-12 also be withdrawn.

Applicant contends that the rejections of amended Claims 24, 44, 64, 66, 68, and 69 are overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. These reasons include Carley not disclosing, teaching, or suggesting apertures sized and shaped such that a protective material “cannot pass through the apertures during an application of the protective material to the housing.” (Emphasis added.) The references Marrs and Plumber were

not relied upon for teaching this limitation. Applicant therefore respectfully submits that amended Claims 24, 44, 64, 66, 68, and 69 are clearly and precisely distinguishable over the cited references in any combination.

Claims 26-28 and 31-33 depend from and further limit Claim 24. Hence, for at least the aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claim 24 should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claim 26-28 and 31-33 also be withdrawn.

Claims 45-48 and 51-53 depend from and further limit Claim 44. Hence, for at least the aforementioned reasons that Claim 44 should be deemed to be in condition for allowance, Claims 45-48 and 51-53 should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claim 45-48 and 51-53 also be withdrawn.

Claims 6, 7, 29, 30, 49 and 50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carley, Marrs, and Plummer and further in combination with U.S. Publication No. 2004/0046835 to Yang et al. ("Yang"). In light of the amendments submitted herewith, Applicant respectfully submits that the rejections have been overcome. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Applicant contends that the rejections of amended Claims 6, 7, 29, 30, 49 and 50 are overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. These reasons include Carley not disclosing, teaching, or suggesting apertures sized and shaped such that a protective material "cannot pass through the apertures during an application of the protective material to the housing." (Emphasis added.) The references Marrs, Plumber, and Yang were not relied upon for teaching this limitation. Applicant therefore respectfully submits that

Claims 6, 7, 29, 30, 49 and 50 are clearly and precisely distinguishable over the cited references in any combination.

In addition, the rejections of amended Claims 6, 7, 29, 30, 49 and 50 are overcome by reason of their dependency on Claim 1 (for dependent Claims 6 and 7), Claim 24 (for dependent Claims 29 and 30), and Claim 44 (for dependent Claim 50). Hence, for at least the aforementioned reasons that Claims 1, 24, and 44 should be deemed to be in condition for allowance, Claims 6, 7, 29, 30, 49 and 50 should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claim 6, 7, 29, 30, 49 and 50 also be withdrawn.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-12, 24-33, 44-53, 64, 66 and 68-80.

Applicant hereby requests an extension of time for making this reply and hereby authorizes the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. In the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Respectful request is made for reconsideration of the Application, as amended, and for an issuance of a Notice of Allowance. Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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